

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMOTHY D. KANE,)	
)	
Plaintiff,)	
v.)	No. 07 C 6590
)	
RAYMOND GILBERT and)	Judge George W. Lindberg
JOSEPH PAAVILAINEN,)	
)	
Defendants.)	

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR A QUALIFIED
PROTECTIVE ORDER AND AUTHORIZATION FOR THE
RELEASE OF HEALTH RECORDS**

NOW COMES Plaintiff, Timothy D. Kane, by and through his attorney, Gary L. Gassman, and in response to defendants' motion for qualified protective order states as follows:

1. Plaintiff admits that as a result of the events detailed in the Complaint, plaintiff received medical care and treatment provided by the paramedics of the Beach Park Fire Protection District, Victory Memorial Hospital, and the employees of Health Professionals Limited, each of which are "covered entities" as defined by 45 CFR 160.103.

2. Plaintiff further admits that the covered entities are all in possession of "protected health information" ("PHI") as defined by 45 C.F.R. 160.103 and 160.501.

3. Plaintiff does not object to the disclosure of PHI to the defendants provided such disclosure is limited to the medical care and treatment provided to plaintiff in connection with the events detailed in the Complaint and the resulting injuries plaintiff sustained a result of the defendants' conduct as detailed therein, as represented by the counsel for the parties in open court on March 26, 2008.

4. Accordingly, plaintiff respectfully requests that this Court enter the defendants'

proposed Order with the following changes:

- Paragraph 1 should read: The current parties (and their attorneys) and any future parties (and their attorneys) to the above captioned matter are hereby authorized to receive, subpoena and transmit “protected health information” (also referred to as “PHI”) pertaining to Timothy D. Kane to the extent such PHI is related to the pending litigation and the events detailed in the Complaint.
- Paragraph 7 should be deleted.

5. The revised proposed Order with the changes detailed in paragraph 4 above is attached hereto as Exhibit A.

WHEREFORE, Plaintiff respectfully requests that this Court enter the proposed Order attached hereto permitting the use and disclosure of personal health information created or received by any covered entity who has provided medical care and treatment to the plaintiff in connection with the events detailed in the Complaint and the resulting injuries plaintiff sustained and award such other and further relief as is just and proper.

By: /s/ Gary L. Gassman
Gary L. Gassman, appointed attorney for Plaintiff,
Timothy D. Kane

Gary L. Gassman (ARDC #6217204)
MECKLER BULGER & TILSON LLP
123 North Wacker Drive
Suite 1800
Chicago, IL 60606
(312) 474-7900
(312) 474-7898 Fax

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